

1 EMARD DANOFF PORT TAMULSKI & WALOVICH LLP
Andrew I. Port (State Bar #120977)
2 Katharine Essick (State Bar #219426)
49 Stevenson Street, Suite 400
3 San Francisco, CA 94105
Telephone: (415) 227-9455
4 Facsimile: (415) 227-4255
E-Mail: aport@edptlaw.com
5 kessick@edptlaw.com

6 Attorneys for Defendants
SEALIFT, INC. and SCOTT MOSER
7
8
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 QAIS AHMED,

14 Plaintiff,

15 vs.

16 SCOTT MOSER, SEALIFT, INC., and
17 UNITED STATES OF AMERICA,

18 Defendants.

Case No.: 14 CV 00823 JD

**STIPULATION AND QTFGT
TO TRANSFER ACTION TO
EASTERN DISTRICT OF NEW YORK
(CENTRAL ISLIP DIVISION)**

28 U.S.C. § 1404(a)

Stipulation

Whereas,

1. Based upon events that occurred while he was working on a ship in Asia, plaintiff Qais Ahmed brought this employment-related action against: (1) the United States of America under the Suits in Admiralty Act; (2) his employer, Sealift, Inc. for violation of Title VII; and (3) his former supervisor, Capt. Scott Moser, for violation of 42 U.S.C. § 1981 and intentional torts;

2. On July 15, 2014, this Court granted the United States' motion to dismiss for lack of subject matter jurisdiction and dismissed it from the action;

3. Pending before the Court is Sealift's motion to dismiss the Title VII claim asserted against it on the ground of improper venue, or else to sever and transfer that claim to the Eastern District of New York, where Sealift asserts venue would be proper under Title VII;

4. Also pending before the Court is the motion by defendant Capt. Scott Moser, a resident of Florida, to dismiss the claims against him based upon the Court's lack of personal jurisdiction;

5. Plaintiff has taken discovery on the issues raised by these motions and has until December 26, 2014 to file oppositions to the motions based upon that discovery;

6. Title 28 of the United States Code, Section 1404(a), provides that "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action ... to any district or division to which all parties have consented";

7. Following meet and confer efforts, the parties have consented to the transfer of this action to the Eastern District of New York, Central Islip Division, if the Court so allows;

8. For the following reasons, this Court's transfer of the action to the Eastern District of New York, Central Islip Division, would promote the convenience of the parties and witnesses and would be in the interest of justice;

a. Unless the parties agree to one court where all of Plaintiff's claims can be tried, it is possible that Plaintiff will need to pursue his claims against each defendant in separate courts;

b. Although Plaintiff asserts different claims against each defendant, there is

1 significant overlap of witnesses and records, such that it would be more
2 convenient for Plaintiff, Sealift, Capt. Moser, and the witnesses if the
3 claims can be resolved in a single proceeding in the most conveniently
4 located district court;

5 c. The Eastern District of New York is closer and much more convenient to
6 defendant Scott Moser, an individual residing in Florida, than the
7 Northern District of California;

8 d. To avoid duplicative proceedings and for greater convenience, Capt.
9 Moser will consent to the personal jurisdiction of the Eastern District of
10 New York, Central Islip Division, if this Court transfers the case there;

11 e. The Eastern District of New York is also more convenient for the majority
12 of key witnesses, most of whom reside in that District or elsewhere on the
13 East Coast; and

14 f. The relevant employment records are located at Sealift's offices in the
15 Eastern District of New York on Long Island.

16 Based on the foregoing, the parties respectfully request that the Court transfer this action
17 to the Eastern District of New York, Long Island Courthouse, Central Islip Division, pursuant to
18 28 U.S.C. § 1404(a).

19 DATED: December 5, 2014

BERSCHLER ASSOCIATES, PC

20
21 By /s/ Arnold I. Berschler
Arnold I. Berschler
22 Attorneys for Plaintiff
QAIS AHMED

23 DATED: December 5, 2014

24 EMARD DANOFF PORT TAMULSKI
& WALOVICH LLP
25 Andrew I. Port
Katharine Essick

26 By /s/ Katharine Essick
Katharine Essick
27 Attorneys for Defendants
SEALIFT, INC. and SCOTT MOSER

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

/s/ Katharine Essick
Katharine Essick

8 The Court finds that a transfer of this action to the Eastern District of New York, Central
9 Islip Division, would serve the convenience of parties and witnesses and is in the interests of
0 justice. Accordingly, pursuant to 28 U.S.C. § 1404(a) and the stipulation of all the parties, the
1 Court hereby transfers this action to the Eastern District of New York, Central Islip Division.

3 || Dated: December 8, 2014

ork, Central Is

S DONATO
ES DISTRICT